

1 ARIEL E. STERN  
Nevada Bar No. 8276  
2 JACOB D. BUNDICK  
Nevada Bar No. 9772  
3 AKERMAN SENTERFITT LLP  
400 South Fourth Street, Suite 450  
4 Las Vegas, Nevada 89101  
Telephone: (702) 634-5000  
5 Facsimile: (702) 380-8572

6 *Attorneys for Countrywide Home Loans, Inc.,*  
7 *Recontrust Company and Mortgage Electronic*  
*Registration Systems, Inc.*

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 FILBERT AQUINO and CYNTHIA AQUINO

11 Plaintiffs,

12 v.

13 COUNTRYWIDE HOME LOANS, INC.;  
14 RECONSTRUCT COMPANY; MORTGAGE  
15 ELECTRONIC REGISTRATION SYSTEMS,  
INC.; DOES I through X, inclusive,

16 Defendants.

CASE NO.: 2:09-cv-02111-PMP-PAL

**[Proposed]**

**ORDER CANCELING LIS PENDENS**

17  
18 This Court granted Defendants Countrywide Home Loans, Inc., Recontrust Company and  
19 Mortgage Electronic Registration Systems, Inc.'s ("Defendants") Motion to Dismiss on December 12,  
20 2009 [Dkt. No. 7].

21 Defendants further request that the lis pendens currently recorded against the subject property  
22 by Plaintiffs Filbert Aquino and Cynthia Aquino ("Plaintiffs") be canceled.

23 The Court finds that Plaintiff recorded a Notice of Pendency of Action ("Lis Pendens") on or  
24 about September 23, 2009, in Book No. 20090923 as Instrument No. 0003496 in the real property  
25 records maintained by the Clark County Recorder. A copy of the Lis Pendens is attached hereto and  
26 fully incorporated by reference.

27 UPON CONSIDERATION of Defendants' request to cancel the Lis Pendens, and good cause  
28 appearing therefore, the Court hereby grants Defendants their requested relief and rules as follows:



APN# 179-31-215-048

11-digit Assessor's Parcel Number may be obtained at:  
<http://redrock.co.clark.nv.us/assrrealprop/owner.aspx>

NOTICE OF PENDENCY  
OF ACTION

**Type of Document**

(Example: Declaration of Homestead, Quit Claim Deed, etc.)

4

**Recording Requested By:**

Marilee A. Ryan, Esq.

**Return Documents To:**

Name Law Offices of Marilee A. Ryan, LLC

Address 6130 Elton Ave, Suite 115

City/State/Zip Las Vegas, NV 89107

This page added to provide additional information required by NRS 111.312 Section 1-2

(An additional recording fee of \$1.00 will apply)


This cover page must be typed or printed clearly in black ink only.

1 RECORDING REQUESTED by Attorney for Plaintiff, Marilee A. Ryan, Esq. and when  
2 RECORDED MAIL TO:

3 LAW OFFICES OF MARILEE A. RYAN, LLC  
4 6130 Elton Avenue, Suite 115  
5 Las Vegas, Nevada 89107  
6 *Attorney for Plaintiff*

**FILED**

SEP 23 2009

  
CLERK OF COURT

7 Space above this line for Recorder's Use

8 DISTRICT COURT  
9 CLARK COUNTY, NEVADA

10  
11 FILBERT AQUINO AND CYNTIA  
12 AQUINO

13 Plaintiffs,

Case No. *109**599920 e*Dept: *XIX*

14  
15 NOTICE OF  
16 PENDENCY OF ACTION

NRS 14010 Et, Seq.

17 v.  
18 COUNTRYWIDE HOME LOANS, INC.,  
19 RECONTRUST COMPANY; MORTGAGE  
20 ELECTRONIC REGISTRATIONS  
21 SYSTEMS, and DOES I-X,

22 Defendants.

23 NOTICE OF PENDENCY OF ACTION

24 Notice is given that the above-entitled action was filed in the above entitled court  
25 on September 23, 2009 by FILBERT AQUINO AND CYNTIA AQUINO, Plaintiffs by and  
26 through their attorney of record, Law Offices of Marilee A. Ryan, LLC against  
27 COUNTRYWIDE HOME LOANS, INC.; RECONTRUST COMPANY; MORTGAGE

1 ELECTRONIC REGISTRATIONS SYSTEM; and DOES I-X, inclusive, Defendants. The action  
2 affects the title to a specific parcel of Real Property and the right to lawful possession of the  
3 same, the property location is located at 1068 Swinford CT Henderson, Nevada 89015 and more  
4 particularly described as:

5 **Parcel I:** LOT FORTY-EIGHT (48) IN BLOCK ONE (1) OF LAUREL HILLS  
6 SUBDIVISION (ALSO KNOWN AS PARADISE HILLS – UNIT 1). AS SHOWN BY  
7 MAP THEREOF ON FILE IN BOOK 122 OF PLATS, PAGE 38 IN THE OFFICE OF  
8 THE COUNTRY RECORDER OF CLARK COUNTY, NEVADA.

9 **Parcel II:** TOGETHER WITH AN UNDIVIDED INTEREST FOR PEDESTRIAN  
10 AND VEHICULAR TRAFFIC OVER AND ACROSS SUCH DRIVEWAYS AND  
11 PARKING AREAS UPON THE COMMON ELEMENTS FOR THE BENEFIT OF  
12 UNIT OWNERS, RESIDENTS AND THEIR GUESTS, FAMILIES, TENANTS AND  
13 INVITEES.

14  
15 And which is identified in the complaint in this action. The property affected by the  
16 action is located in the County of Clark, Nevada. The nature of the claims are (i) Defendants are  
17 not Holders in Due Course (ii) Defendants Lack Standing to Conduct Non-Judicial  
18 Foreclosure; (iii) Defendants Lack Standing to Enforce a Non-Judicial Foreclosure; (iv)  
19 Fraudulent Misrepresentation; (v) Fraudulent Concealment; (vi) Usury and Fraud; (vii)  
20 Unconsionability; (viii) Unjust Enrichment and Civil Conspiracy; (ix) Quiet Title.

21  
22 Dated: September 23, 2009

23  
24 

25 MARILEE A. RYAN, ESQ.  
26 Nevada Bar No. 7502  
27 Law Offices of Marilee A. Ryan, LLC  
28 Las Vegas, Nevada 89107  
*Attorney for Plaintiff*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Dated this September 23, 2009

